
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.194 of 2009

Date of decision : 15.1.2009

Ajaib Singh and another

.....Petitioners

Versus

Gurpreet Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE S. D. ANAND

Present: Mr. Balkar Singh, Advocate for the petitioners.

S. D. ANAND, J.

Minors plaintiffs (respondents No. 1 and 2 herein) filed the impugned suit through their mother to obtain the invalidation of the impugned sale deed vide which respondent no.3 had sold off coparcenary property without any legal necessity. The petitioners filed therein an application Under Order 7 Rule 11 of the C.P.C. for rejection of the plaint as ad-valorem court fee had not been paid by the plaintiffs-respondents.

In response thereto, the plea raised on behalf of the plaintiffs-respondents was that ad-valorem court fee was not payable in view of the fact that the plaintiffs-respondents were not a party to that sale deed.

Relying upon **Smt. Rekha Vs. Suresh Kumar and others 2008 (4) RCR 430** and **Ravinder Kumar Vs. Narinder Kumar 2007(2) RCR (CIVIL)-1**, the learned Trial Court negated the plea put forward by the defendant-petitioner.

The law laid down in Smt. Rekha's case and Ravinder Kumar's case (supra) is squarely applicable to the facts and circumstances of the present case. In those cases, the suit had been filed by a

coparcener to challenge the validity of a sale effected by the Karta of the joint Hindu family. It was held therein that ad-valorem court fee was not required to be paid in such a case. In the light of those rulings, the reliance placed by the learned counsel for the petitioner upon **Anil Rishi Vs. Gurbaksh Singh 1998(3) Civil Court Cases 78 (P&H)** and **Ranjit Singh Vs. Balkar Singh 2001(2) Civil Court Cases 45 (P&H)** is misconceived.

There is no reason for this Court to interfere with the impugned order which is in accord with the law laid down by this Court in Smt. Rekha's case and Ravinder Kumar's case (supra).

The petition shall stand dismissed in limine.

January 15, 2009

Pka

**(S. D. ANAND)
JUDGE**